

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CANDACE SMITH,
Plaintiff,
v.
CITY OF FRESNO, et al.,
Defendants.

) Case No.: 1:21-cv-01613 JLT SAB
)
) ORDER ADOPTING IN FULL THE FINDINGS
) AND RECOMMENDATIONS DENYING
) PLAINTIFF'S MOTION TO PROCEED IN FORMA
) PAUPERIS AND DIRECTING PLAINTIFF TO
) PAY THE FILING FEE
)
) (Docs. 3, 5)
)

Plaintiff Candace Smith initiated this civil rights action on November 4, 2021. (Doc. 1.) Concurrent with her complaint, Plaintiff filed a motion to proceed *in forma pauperis*. (Doc. 3) On November 8, 2021, the Court found the application did not contain sufficient information to determine whether Plaintiff was entitled to proceed in the action without payment of fees. (Doc. 4 at 1.) Thus, the Court denied the application and directed Plaintiff to file a long-form application with additional information regarding her finances within twenty-one days of the date of service. (*Id.* at 1-2.) Plaintiff failed to file the long-form application.

On December 3, 2021, the assigned magistrate judge issued findings and recommendations that Plaintiff's application to proceed *in forma pauperis* be denied, and the Court directed Plaintiff to pay the filing fee for this action within fourteen days, or face dismissal for failure to pay the filing fee and failure to comply with a court order. (Doc. 5.) The Court granted Plaintiff 14 days to file objections to the findings and recommendations and informed her the failure to respond to the objections may

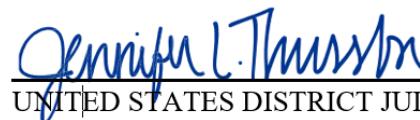
1 result in a waiver of the right to appeal. (*Id.* at 2-3, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839
2 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) The deadline to file
3 objections has passed, and no objections were filed.

4 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley United*
5 *School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this Court conducted a de novo review of the case.
6 Having carefully reviewed the file, the Court finds the findings and recommendations are supported by
7 the record and proper analysis. Accordingly, the Court **ORDERS**:

- 8 1. The Findings and Recommendations dated December 3, 2021 (Doc. 5) are adopted in
9 full;
- 10 2. Plaintiff's motion to proceed *in forma pauperis* (Doc. 3) is **DENIED**; and
- 11 3. Plaintiff **SHALL** pay the \$402.00 filing fee for this action within fourteen days of the
12 date of filing of this order. Failure to timely pay the filing fee will result in dismissal of
13 this action.

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15 IT IS SO ORDERED.

16 Dated: January 21, 2022


17 UNITED STATES DISTRICT JUDGE

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